

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRANK DOMINIC DUNDEE,	)	CASE NO. 1:19CV01141
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE JONATHAN D.
	)	GREENBERG
UNIVERSITY HOSPITALS	)	
CORPORATION,	)	
	)	<b>DECLARATION OF JILL FULTON,</b>
Defendant.	)	<b>LISW-S, LICDC, PURSUANT TO 28</b>
	)	<b>U.S.C. §1746</b>
	)	

I, Jill Fulton, LISW-S, LICDC, being of sound mind and over the age of eighteen, hereby declare as follows:

1. I am an Employee Assistance Manager and counselor with the University Hospitals Employee Assistance Program (“EAP”).
2. In 2017, Plaintiff Frank Dundee was referred to EAP by his supervisor Rachael Lerman as a result of the conflictive relationships he was having with his work colleagues. A true and accurate copy of Mr. Dundee’s June 26, 2017 EAP Referral Form is attached to this Declaration as Exhibit 5-A.
3. On January 10, 2018, I met with Mr. Dundee in my office for a counseling session. During that session, Mr. Dundee talked at length regarding his complaints about and claims against Ms. Lerman and his belief that his mandatory EAP referral was unlawful.
4. I performed no tests or procedures on Mr. Dundee.
5. My session with Mr. Dundee included discussion only and was completely non-invasive.



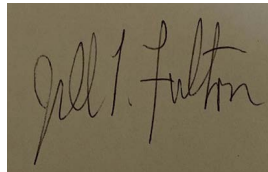
6. No medical equipment was used during my conversation with Mr. Dundee.

7. During our counseling session, I did not diagnose Mr. Dundee with a mental disability. Rather, the purpose of our session was to follow-up on the session he had with my colleague David Riccardi as part of his June 2017 Corrective Action for unprofessional behavior.

8. I did not at any time diagnose Mr. Dundee with a medical condition or mental disability.

9. No one told me at any time that Mr. Dundee had a mental disability or that they suspected or perceived that Mr. Dundee was mentally disabled.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 14, 2020.

A rectangular box containing a handwritten signature in dark ink. The signature appears to read "Jill I. Fulton".

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Jill Fulton, LISW-S, LICDC